

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:12-CR-00151-1H

UNITED STATES OF AMERICA,

v.

JARVIS MCCOY,

Defendant.

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ORDER

This matter is before the court on defendant's motion seeking a district court's order directing the Bureau of Prisons to modify the payment schedule under the Inmate Financial Responsibility Program. This court denied the motion by order filed March 12, 2014. Defendant appealed, and by order filed September 4, 2014, the Fourth Circuit remanded this matter to this court with instructions to determine whether transferring defendant's motion to modify to the proper federal district court would serve the interest of justice, 28 U.S. C. § 1631, or whether the action is more appropriately dismissed without prejudice to allow defendant to file his action in the appropriate district court.

The court, having considered this matter carefully, finds that this matter is more appropriately dismissed without prejudice to allow McCoy to refile in the district in which he is currently

incarcerated, the Western District of Missouri. The clerk is directed to send defendant the proper forms for filing a section 2241 motion.

This 9th day of December 2014.

A handwritten signature in black ink, appearing to read "Malcolm J. Howard", is written over a horizontal line.

MALCOLM J. HOWARD
Senior United States District Judge

At Greenville, N.C.
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